

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Verizon Telephone Companies' Petition for
Forbearance Under 47 U.S.C. § 160(c) with Regard
to Broadband Services Provided via Fiber to the
Premises

WC Docket No. 04-242

ORDER

Adopted: February 11, 2005

Released: February 11, 2005

By the Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by Verizon Telephone Companies ("Verizon") shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.²

2. On June 28, 2004, Verizon filed two petitions with the Commission regarding its deployment of fiber-to-the-premises (FTTP) infrastructure. In its first petition, Verizon requests that the Commission either issue a declaratory ruling regarding broadband service provided via FTTP or, alternatively, waive its common carrier and Title II rules for an interim period in the same manner as currently applied to cable modem service providers.³ In its second petition, Verizon requests that, in absence of a declaratory ruling, the Commission should exercise its forbearance authority pursuant to section 10 of the Act to provide interim regulatory relief for such services until an appropriate regulatory framework for broadband services has been established.⁴ Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the one-year period is extended by the Commission.⁵ The Commission may extend the initial one-

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ *Petition of the Verizon Telephone Companies for Declaratory Ruling, or, Alternatively, for Interim Waiver with Regard to Broadband Services Provided via Fiber to the Premises*, WC Docket No. 04-242 (filed June 28, 2004) (Verizon Declaratory Petition).

⁴ *Conditional Petition of the Verizon Telephone Companies for Forbearance Under 47 U.S.C. § 160(c) with Regard to Broadband Services Provided via Fiber to the Premises*, WC Docket No. 04-242 (filed June 28, 2004) (Verizon Forbearance Petition).

⁵ 47 U.S.C. § 160(c).

year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).⁶

3. Verizon's forbearance petition raises significant questions regarding, among other things, whether forbearance from the Title II regulatory framework for broadband service provided via FTTP meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

4. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the date on which the petition seeking forbearance filed by Verizon shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to September 23, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey J. Carlisle
Chief, Wireline Competition Bureau

⁶ See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).